

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

ENERGY WEST, INCORPORATED,

Plaintiff,

v.

UNITED STATES POWER FUND, L.P.,

Defendant.

Civ. No. 1:09-cv-00591  
Judge Christopher A. Boyko

**STIPULATION  
OF DISMISSAL  
WITH PREJUDICE**

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for plaintiff Energy West, Incorporated and defendant United States Power Fund, L.P. that, pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, the above-captioned action is hereby dismissed with prejudice, with each party to bear its own attorneys' fees, costs and expenses.

Dated: April 17, 2012

IT IS SO ORDERED.  
S/CHRISTOPHER A. BOYKO  
U.S.DISTRICT COURT JUDGE  
APRIL 18, 2012

Respectfully submitted,

DWORKEN & BERNSTEIN CO., LPA

By s/ Richard N. Selby, II  
Richard N. Selby, II (0059996)  
60 South Park Place  
Painesville, OH 44077  
Telephone: (440) 352-3391  
Facsimile: (440) 352-3469  
E-mail: rselby@dworcenlaw.com

*Attorneys for Plaintiff  
Energy West, Incorporated*